



**Governor**  
Janet Napolitano

**ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY**

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**Board Members:**

David M. Steinway, D.O., Pres.  
Stanley J. Grossman, V.P.  
Douglas Cunningham, D.O.  
Arlene England, D.O.  
Jon B. Fiegen  
Mary Ann Picardo, D.O.  
Scott Steingard, D.O.

**Acting Director**

Barbara Meyers

**DRAFT MINUTES OF THE PUBLIC BOARD MEETING  
OF THE ARIZONA BOARD OF OSTEOPATHIC  
EXAMINERS IN MEDICINE AND SURGERY**

**Saturday, November 15, 2008**

**BOARD MEMBERS PRESENT:**

President David Steinway, D.O., Mr. Stanley Grossman, Douglas Cunningham, D.O., Arlene England, D.O. Mr. Jon B. Fiegen, Mary Ann Picardo, D.O., Scott Steingard, D.O.

**STAFF / OTHERS PRESENT:**

Barbara Meyers, Acting Director  
Barbara Prah, D.O., Medical Consultant  
Beverly Alfson, Business/Licensing Manager  
John O'Hair-Schattenberg, Investigator  
Blair C. Driggs, Assistant Attorney General  
Kathy Fowkes, Administrative Secretary  
Carol Whipple, Certified Court Reporter

**1. CALL TO ORDER**

The Board President, Dr. David Steinway, called the meeting to order at 8:03 a.m.

**2. ROLL CALL AND REVIEW OF AGENDA**

The Acting Director took the roll. The Board Members listed above were present, establishing quorum for the meeting.

**3. PRESIDENT'S REPORT AND CALL TO THE PUBLIC**

- A. Dr. Cunningham welcomed the 3<sup>rd</sup> year Medical Students – Arizona College of Osteopathic Medicine at Midwestern University and Kirksville College of Osteopathic Medicine at A.T. Stills University
- B. Dr. Cunningham stated that the Board's custom is to ask members of the public to speak when the agenda item of interest to the person is called. If you want to address the Board on an issue not on the agenda, you will be asked to speak prior to the adjournment. All people wishing to speak should fill out a speaker form and give it to a staff member.

**4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES**

- A. Open Session Minutes August 16, 2008
- B. Open Session Minutes September 20, 2008

Mr. Fiegen pointed out an error in the vote tables in both sets of minutes. Staff corrected the error.

**MOTION:** Dr. Steinway moved to accept the minutes as corrected for August 16, 2008 and September 20, 2008. Dr. Steingard seconded.

**ROLL CALL VOTE:** Motion passed 7-0.

**5. REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855 (C through F).**

The Board will review the Consent Agenda as a whole. If an individual appears for any case or at the request of a Board member(s), the matter will be heard separately.

Case Reviews Consent Agenda:

A. Linda Benaderet, D.O. Case No. 3858 License No. 2150

Complainant arrived following the Consent Agenda vote and was given the opportunity to address the Board. The Medical Consultant summarized the case and answers questions posed by the Complainant.

B. Patrick Marsh, D.O. Case No. 3951A License No. 2502  
C. Christopher Marsh, D.O. Case No. 3951B License No. 2532  
D. Kathryn Brown, D.O. Case No. 3977 License No. 2816  
E. Erol LeBlanc, D.O. Case No. 3965 License No. 3452  
G. Kenneth Young, D.O. Case No. DO-08-4060 License No. 2930  
I. Tahirih Jensen, D.O. Case No. DO-08-4092 License No. 3985

**MOTION:** Dr. Steingard moved for **DISMISSAL**. Mr. Fiegen seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 7-0.

Case Reviews:

F. James Siefer, D.O. Case No. DO-08-4093 License No. 1930

Both the complainant and Dr. Siefer were present. The complainant addressed the Board. Dr. Siefer also addressed the Board and answered all questions posed by the Board.

**MOTION:** Dr. Steingard moved for **DISMISSAL**. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard

YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 7-0.

The Board instructed staff to refer the case to the Dept of Insurance.

H. Marvin Borsand, D.O. Case No. DO-08-4071 License No. 4071

Dr. Borsand was not present. Scott Schuman, Esq. was present as Counsel representing Dr. Borsand.

**MOTION:** Dr. Steingard moved for **DISMISSAL**. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 7-0.

J. Edward Murphy, D.O. Case No. 4012M License No. 1008

**MOTION:** Dr. Steinway moved for **DISMISSAL**. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 7-0.

K. Ivan Filner, D.O. Case No. 4030 License No. 3383

Dr. Filner was present and answered all questions posed by the Board.

**MOTION:** Dr. Steinway moved for **DISMISSAL**. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 7-0.

L. Patrick Marsh, D.O. Case No. DO-08-4028 License No. 2502

**MOTION:** Mr. Grossman moved to **ADMINISTRATIVELY CLOSE** this case. Dr. Steingard seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 7-0.

M. Arash Araghi, D.O. Case No. 3988 License No. 3888

**MOTION:** Dr. Steingard moved for an **INVESTIGATIVE HEARING**. Mr. Grossman seconded.

**ROLL CALL VOTE:** Motion passed 7-0.

N. James Griggs, D.O. Case No. 3946M License No. 2604

**MOTION:** Dr. Steinway moved for **DISMISSAL**. Dr. Cunningham seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 7-0.

- O. Kenneth Stephan, D.O. Case No. DO-08-4013 License No. 3908

**MOTION:** Dr. Steingard moved for an **INVESTIGATIVE HEARING**. Mr. Grossman seconded.

**ROLL CALL VOTE:** Motion passed 7-0.

Staff was directed to visit Dr. Stephan's current office and assess the employees' licensure and duties. The Board directed staff to subpoena to attend the Investigative Hearing the P.A. and other office staff that were employed at the same time the P.A. worked for Dr. Stephan.

- P. Robert Lock, D.O. Case No. DO-08-4114 License No. 2523

**MOTION:** Dr. Steingard moved for an **INVESTIGATIVE HEARING**. Dr. Cunningham seconded.

**ROLL CALL VOTE:** Motion passed 7-0.

- Q. Carl Ferguson, D.O. Case No. 3910 License No. 2244

Dr. Ferguson was present and answered all questions posed by the Board. Complainant was also present and answered all questions posed by the Board.

**MOTION:** Dr. Steingard moved for an **INVESTIGATIVE HEARING**. Mr. Grossman seconded.

**ROLL CALL VOTE:** Motion passed 7-0.

- R. Michael Aranda, D.O. Case No. 4005 License No. 3831

Dr. Aranda was present and answered all questions posed by the Board.

**MOTION:** Dr. Picardo moved for **DISMISSAL**. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard

YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 7-0.

S. William Livesay, D.O. Case No. 4008 License No. 3910

Board tabled this case to obtain additional medical records.

T. Dennis Watson, D.O. Case No. 4010 License No. 2645

**MOTION:** Dr. Steingard moved for an **INVESTIGATIVE HEARING**. Mr. Grossman seconded.

**ROLL CALL VOTE:** Motion passed 7-0.

**6. REVIEW, CONSIDERATION, AND ACTION ON APPLICATIONS FOR LICENSURE PURSUANT TO A.R.S. § 32-1822; PERMITS PURSUANT TO A.R.S. § 32-1829; AND RENEWALS OF LICENSES PURSUANT TO A.R.S. § 32-1825 (C-D) AND A.A.C. R4-22-109.**

A. Kathleen Counihan, D.O., Applicant

The Board recessed at 9:18 a.m.

The Board reconvened at 9:25 a.m.

Dr. Counihan was present. The Acting Director reviewed the application and the current circumstances. Dr. Counihan answered all questions posed by the Board.

**MOTION:** Dr. Steinway moved to have Dr. Counihan take the SPEX exam or other appropriate exam. Upon successful completion of the exam, the Executive Director can issue license. Dr. Cunningham seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 7-0.

B. Steven Locnikar, D.O., Applicant

The Assistant Attorney General reviewed the applicant's current status and presented a draft Consent Agreement for the Board to review. Dr. Locnikar answered all questions posed by the Board.

**MOTION:** Dr. Steinway moved to deny licensure due to the physician's prior actions including suspension, probation, and revocation of license, and related underlying issues. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X			X	
NO	0				X	X		X
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 4-3, with Mr. Fiegen, Dr. Steingard, and Dr. England dissenting.

**7. CONSIDERATION AND ACTION ON COMPLIANCE WITH TERMS OF BOARD ORDERS AND REQUESTS TO MODIFY OR TERMINATE ORDERS, PURSUANT TO A.R.S. 32-1855(E) AND (I)**

A. Cory Gilliland, D.O. Case No. 3296 License No. 3935

Dr. Gilliland was present and answered all questions posed by the Board. No action was taken.

**8. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855(E) ONLY.**

A. Rustin Crawford, D.O. Case No. 4044 License No. 3457

Dr. Crawford was present and sworn in. The Medical Consultant reviewed the case. Dr. Crawford answered all questions posed by the Board. Mr. Grossman requested Dr. Crawford to forward his office policy manual for his review.

**MOTION:** Mr. Grossman moved for **DISMISSAL**. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	4	X	X		X		X	
NO	3			X		X		X
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 4-3, with Dr. Steingard, Mr. Fiegen, and Dr. Cunningham dissenting.

B. Carl Ferguson, D.O. Case No. 4007 License No. 2244

Dr. Ferguson was present and sworn in. Suzanna D. Ferguson, office manager, was also present. The Medical Consultant reviewed the case. Dr. Ferguson answered all questions posed by the Board.

**MOTION:** Dr. England moved for **DISMISSAL**. Dr. Steingard seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	6	X	X		X	X	X	X
NO	1			X				
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 6-1, with Dr. Cunningham dissenting.

C. Francisco Jaime, D.O. Case No. 3877 License No. 4007

Dr. Jaime and counsel were present. Dr. Jaime was sworn in. The Medical Consultant reviewed the case. Dr. Jaime answered all questions posed by the Board. The Complainant was also present and sworn in. The Complainant answered all questions posed by the Board.

**MOTION:** Dr. England moved for a **LETTER OF CONCERN** pursuant to A.R.S. 32:1854(6)(12) and (38) for failure to adequately follow up on a postoperative complication. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	5		X	X	X	X	X	
NO	2	X						X
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 5-2 with Dr. Steingard and Dr. Steinway dissenting.

D. POSTPONED



- E. Richard Dexter, D.O. Case No. 3978 License No. 3441

Dr. Dexter was present and was sworn in. The Acting Director reviewed the case. Dr. Dexter answered all questions posed by the Board.

**MOTION:** Dr. Steinway moved for a **LETTER OF CONCERN** pursuant to A.R.S. 32:1854(28) for failure to provide medical records in a timely fashion. Mr. Grossman seconded. After further discussion, the motion was withdrawn.

The Board tabled this case for further investigation.

- F. Teresa Borchers, D.O. Case No. DO-08-4087 License No. 3681

Dr. Borchers was present and sworn in. Counsel Michael Ryan, Esq. was present. The Investigator reviewed the case. Tera M. Goldmakher, M.D., also appeared on behalf of Dr. Borchers and was sworn in. Both Dr. Borchers and Dr. Goldmakher answered all questions posed by the Board.

**MOTION:** Dr. Steingard moved for **DISMISSAL**. Dr. Cunningham seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	6	X	X	X	X		X	X
NO	1					X		
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 6-1, with Mr. Fiegen dissenting.

- G. Steven Wallach, D.O. Case No. 4017 License No. 2113

Dr. Wallach was present and sworn in. The Complainant was also present and sworn in. The Medical Consultant reviewed the case. Dr. Wallach addressed the Board and answered all questions posed by the Board.

The Board tabled this case until a random 10 chart review by staff is accomplished to determine documentation of labs, well-woman exams, prostate exams and other family medicine standards of care.

Board recessed for Lunch at 11:57 a.m.

Board reconvened at 12:34 p.m.

- H. Douglas Snow, D.O. Case No. 3953M License No. 3088

Dr. Snow was not able to be present but did send a letter to the Board.

**MOTION:** Dr. Steingard moved to return this case to Case Review. Mr. Grossman seconded.

**ROLL CALL VOTE:** Motion passed 7-0.

**SECOND MOTION:** Dr. Steingard moved for a **LETTER OF CONCERN** pursuant to A.R.S. 32:1854(6)(38) for failure to diagnose and failure to document.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 7-0.

I. POSTPONED

J. Clark York, D.O. Case No. 3991M License No. 2697

Dr. York was present and sworn in. The Medical Consultant reviewed the case. Dr. York answered all questions posed by the Board.

**MOTION:** Dr. Picardo moved for **DISMISSAL**. Dr. Cunningham seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 7-0.

K. Bernard Susavage, D.O. Case No. 3795M License No. 1768

Dr. Susavage was present and sworn in. The Medical Consultant reviewed the case. Dr. Susavage answered all questions posed by the Board.

**MOTION:** Dr. Picardo moved for **DISMISSAL**. Dr. Steingard seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 7-0.

L. Ian Parker, D.O. Case No. 4042 License No. 4176

Dr. Parker was present with Counsel Calvin Raup, Esq. Dr. Parker was sworn in. The Medical Consultant reviewed the case. Dr. Parker answered all questions posed by the Board.

**MOTION:** Dr. Steingard moved for **DISMISSAL**. Dr. Cunningham seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	4			X		X	X	X
NO	3	X	X		X			
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 4-3, with Dr. Steinway, Dr. England and Mr. Grossman dissenting.

M. Phyllis Popp, D.O. Case No. 4015 License No. 2654

Dr. Popp was present and sworn in. She was accompanied by counsel Don Smith, Esq. The Medical Consultant reviewed the case. Dr. Popp answered all questions posed by the Board.

**MOTION:** Dr. Cunningham moved for a **LETTER OF CONCERN** pursuant to A.R.S. 32:1854(6)(38) for failure to do an appropriate workup and failure to diagnose. Dr England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard

YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 7-0.

N. Scott Hatfield, D.O. Case No. 3997B License No. 3764

Dr. Hatfield was present and sworn in. He was accompanied by counsel Bruce Crawford, Esq. The Medical Consultant reviewed the case. The complainant was also present and sworn in.

**MOTION:** Dr. Steinway moved for a **LETTER OF CONCERN** pursuant to A.R.S. 32:1854(6)(38) for failure to diagnose. Dr Steingard seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 7-0.

## 9. EXECUTIVE DIRECTOR REPORT:

A. Approval of date for January 2009 Board Meeting

The Board approved Saturday, January 10, 2008 for the next Board Meeting.

## 10. NOTIFICATION OF COMPLIANCE WITH TERMS AND SATISFACTION OF PROBATION ORDER— RICHARD MICKLE, D.O./CASE NO. 3784

The Acting Director reviewed with the Board that Dr. Mickle has satisfied all terms of his probation. The order of probation will be terminated at the end of November.

## 11. DISCUSSION OF STUDENT ATTENDANCE

## 12. UPDATE AND DISCUSSION ON STATUS OF EXECUTIVE DIRECTOR POSITION

Board recessed to Executive Session at 3:30 p.m.  
Board returned to Open Session at 3:39 p.m.

## 13. ADJOURNMENT

Dated this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Barbara Meyers, Acting Director